

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SHEILA ANN DELMONTE-WRIGHT,
Plaintiff(s),
v.
GEICO CASUALTY COMPANY,
Defendant(s).

Case No.: 2:19-cv-00921-APG-NJK

Order

[Docket No. 30]

Pending before the Court is Defendant's motion for a protective order regarding its upcoming Rule 30(b)(6) deposition scheduled for November 19, 2019. Docket No. 30.¹ The Court ordered that any response opposing that motion had to be filed by November 12, 2019. Docket No. 22 at 4. No response was filed. Accordingly, the motion for protective order with respect to the Rule 30(b)(6) deposition is hereby **GRANTED** as unopposed. *See* Local Rule 7-2(d).²

¹ Defendant's papers are at times framed as a motion to "quash" a subpoena pursuant to Rule 45 of the Federal Rules of Civil Procedure. *See, e.g.*, Mot. at 3-4. Defendant is a party to this litigation and its corporate designee for the Rule 30(b)(6) deposition will be testifying on behalf of Defendant. *See, e.g.*, *Fadem v. Am. States Preferred Ins. Co.*, 2014 WL 202176, at *3 (D. Nev. Jan. 16, 2014). As such, the Rule 30(b)(6) deposition at issue is a party deposition. The provisions of Rule 45, which govern nonparty discovery, are inapplicable.

² Whether the instant motion is timely is a close question for the reasons discussed previously. See Docket No. 22 at 3 n.4. The Court declined to resolve that issue previously and, instead, ordered Defendant to include argument in its renewed motion as to why the motion should be considered timely. *Id.* at 4. Defendant’s renewed motion does not include any such argument. Courts retain the discretion to address *sua sponte* the timeliness of a discovery motion. See, e.g., *Garcia v. Service Employees Int’l Union*, ___ F.R.D. ___, 2019 WL 3814721, at *2 n.2 (D. Nev. Aug. 13, 2019). Courts are not required to exercise that discretion, however. Given that the instant motion for protective order here is unopposed, the Court declines to reach the issue of timeliness.

1 Moreover, the Court will issue as unopposed the proposed order regarding the treatment of
2 confidential material, as submitted in conjunction with the motion for protective order. *See* Docket
3 No. 30-1.

4 The Court **CAUTIONS** the attorneys for both parties that their conduct in presenting
5 discovery disputes in this case has fallen well below the Court's expectations. Counsel are
6 expected to act in a more competent manner moving forward.

7 IT IS SO ORDERED.

8 Dated: November 13, 2019

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11 Nancy J. Koppe
12 United States Magistrate Judge

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